

the specification to enable one skilled in the art to make and use the invention. Claims 1, 5-8, 17, 19, 20, 28 and 29 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 5,778,052 (Rubin). Claims 13, 15, 16, 30, 31 and 35 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,418,306 (McConnell). Claims 2 and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rubin in view of U.S. Patent No. 5,797,124 (Walsh). Claims 3 and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rubin in view of U.S. Patent No. 5,475,737 (Garner). Claim 4 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rubin in view of McConnell. Claim 9 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rubin in view of U.S. Patent No. 6,411,704 (Pelletier). Claims 10 and 22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rubin in view of U.S. Patent No. 5,396,542 (Alger). Claims 11 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rubin and Alger. Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rubin in view of Alger. Claim 14 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McConnell in view of Walsh. Claim 21 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rubin as applied to claim 10 above, and in view of Alger. Claim 24 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rubin and Alger as applied to claim 1 above. (The examiner again cites a second Alger patent in the rejection; however, it has the same patent number as the first Alger patent, so applicant is again assuming that the second Alger patent is a typographical error.) Claim 26 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rubin in view of U.S. Patent No. 6,442,250 (Troen-Krasnow). Claim 27 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rubin and Troen-Krasnow. Claim 32 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McConnell in view of Troen-Krasnow. Claim 33 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McConnell in view of Rubin. Claim 34 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over McConnell in view of Rubin.

Claim Rejections – 35 U.S.C. § 112***Independent Claims 1, 13, 17 and 30***

Independent claims 1, 13, 17, and 30 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter not described in the specification to enable one skilled in the art to make and use the invention. In particular, the examiner refers to the limitation that the "called party is not a customer of said voice messaging system." The examiner notes that page 13, line 10 of the specification states "the called party is then provided with an indication that a message is waiting for him." The examiner alleges that this portion of the specification discloses that the called party *is* a customer of the **voice messaging system** (Office Action at page 16, par. 19ii). (emphasis added) Therefore, per the examiner, the specification discloses the opposite of what is claimed.

Applicant submits that this portion of the specification merely discloses that the called party is a customer of a **telephone system** (not a customer of a voice messaging system), such as, for example, wire line telephone system 20 of Figure 1. That is, the specification notes that the called party receives an indication that a message is waiting. It follows logically, that in order to receive this indication, the called party must be in communication with some telephone system. This, however, does not mean that the called party is a customer of a **voice messaging system**, as alleged by the examiner.

Handwritten note: VMS is a part of the telephone system in Fig. 1

In fact, the specification is clear that the called party is not a customer of the voice messaging system. For example, the background section notes that there are problems with conventional voice messaging systems. More specifically, the background section (page 1, lines 26-28) notes that "there is no system available to receive voice messages from a telephone service provider's voice messaging system without subscribing to the voice messaging service of the local telephone service provider." (emphasis added)

The invention overcomes the disadvantages of the prior art by including a trigger on the service switching point of the called line number to initiate storage and delivery of a voice message to the called party, even though the called party is *not a customer of the voice messaging system*. Support for this limitation is provided in the specification at least at page 14, lines 19-23, which states:

However, the called party does not establish the voice messaging system for his associated number, rather the calling party provides permission to send the message from the voice messaging system. In this manner, the called party can avoid a monthly subscription fee to a voice messaging system and the calling

party is allowed to choose to pay on a per use basis, or other basis, for leaving a message. (emphasis added)

As such, applicant submits that the specification as originally filed provides written description support for the claim limitation of the “called party is not a customer of said voice messaging system.”

Moreover, applicant submits that the specification as originally filed provides enablement of the claimed invention. For example, the flow chart of Figure 3 provides a step-by-step description of a method for implementing the claimed invention. As such, one skilled in the art is clearly enabled to make and use the claimed invention. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 13, 17, and 30 under 35 U.S.C. § 112, first paragraph, as well as all claims dependent therefrom including claims 2-12, 14-16, 18-29, and 31-35.

Claim Rejections – 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a)

Independent Claims 1, 13, 17 and 30

Independent claims 1, 13, 17, and 30, as amended, include features that are neither disclosed nor suggested by the cited references, either taken alone or in combination, namely as represented by claim 1:

“A system for receiving a message from a calling party associated with a telephone with a calling line number and providing said message to a called party associated with a telephone with a called line number, comprising:

a service switching point connected to said telephone with said called line number, said service switching point comprising a trigger responsive to a busy status on said called line number;

a signal transfer point adapted to communicate with said service switching point;

a service control point adapted to communicate with said signal transfer point, said service control point containing a database; and

a service node connected to said service switching point through a first data link, and connected to said service control point through a second data link;

wherein said service node is adapted to receive said message from said calling party into a voice messaging system when said called line number has a busy status, store said message, and *deliver said message to said called party responsive to a request from said called party; and*

wherein said called party is not a customer of a service provider.”
(emphasis added)

The invention is directed to "a calling party leaving a message on a voice messaging service and the called party dialing the messaging system to play the message at a later time if the calling party has given permission to send the message" (application as originally filed at p. 3, ll. 8-10) thereby addressing the problem of leaving a message for a party that does not have a voice mail service or an answering machine. In this manner, the called party may access the message *even though the called party is not a customer of the voice mail service.*

Rubin discloses a message forwarding system that permits a calling party to leave a message for a destination party, who in turn may modify and forward the message to a third party. Rubin fails to disclose or suggest "[delivering the] message to [the] called party responsive to a request from [the] called party," as recited in the claims. In contrast, Rubin discloses forwarding messages "*at a specified date and time received from the calling (or other) party,*" where the other party is a recipient of a message who then forwards the message to a third party. (col. 3, ll. 7-9) *destination party can access the msg (see Abstract).*

Rubin also differs in that it fails to disclose or suggest leaving a message for a called party who is not a customer of a service provider. In Rubin, a calling party who receives a busy or unanswered condition at the destination party may leave a message for later forwarding to the destination party at a date and time. Rubin discloses that the destination party may be permitted to forward messages *if the destination party is a subscriber and "is thus authorized to receive messages."* (col. 2, ll. 1-8) Accordingly, Rubin does not disclose or suggest delivering a message to a called party responsive to a request from the called party, where the called party is *not a customer of a service provider*, as recited by the claims. *based on previous issue.* *not necessary*

McConnell does not cure the deficiencies of Rubin. McConnell discloses "a method of notifying *a user of two or more networks* that the user has received a voicemail or other message, regardless of which network the user is currently using." (col. 1, ll. 36-39) Therefore, McConnell specifically requires that the recipient of a message be a user of at least two networks. For example, McConnell discloses an embodiment that "receive[s] and store[s] all messages directed to a telephone *user who subscribes to telephone services from both the wireless network 10 and the PSTN 12.*" (col. 5, ll. 7-11) Accordingly, and as was the case with Rubin, McConnell does not disclose or suggest delivering a message to a called party responsive

to a request from the called party, where the called party *is not a customer of a service provider*, as recited by the claims.

Moreover, neither Walsh, Garner, Pelletier, Alger nor Troen-Krasnow fail to cure the deficiencies of Rubin and McConnell. Walsh merely discloses a voice controlled voice mail system that enables *a subscriber* to access messages. Garner discloses directing incoming calls to a *subscriber* of the voice mail system to the *subscriber's* mailbox using a variety of ring intervals. Pelletier discloses a system and method for providing telephony services to a remote *subscriber*. Alger merely discloses a call routing system that permits a human attendant to hear a message spoken by a caller for purposes of *routing* the call to a third party without having to answer the incoming call. Troen-Krasnow merely discloses a method for transmitting a message to a predefined group across a range of equipment.

Accordingly, applicant submits that the cited references, either taken alone or in combination, do not disclose or suggest the features of independent claims 1, 13, 17, and 30. Additionally, inasmuch as dependent claims 2-12, 14-16, 18-29, and 31-35 (which have also been rejected) are dependent on one of claims 1, 13, 17, or 30, these claims are patentable over the cited references, at least by virtue of their dependency. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejections of claims 1-35 under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a).

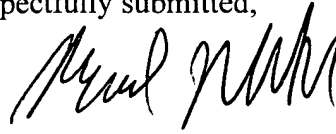
CONCLUSION

For the foregoing reasons, applicant respectfully submits that the application is in condition for allowance. Reconsideration of the office action and an early notice of allowance are respectfully requested. In the event that the examiner cannot allow the present application for any reason, the examiner is encouraged to contact the undersigned attorney, Raymond N. Scott Jr. at (215) 564-8951, to discuss resolution of any remaining issues.

DOCKET NO.: BELL-0061 / 00230

PATENT

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Raymond N. Scott Jr.", written in a cursive style.

Raymond N. Scott Jr.
Attorney for Applicant
Registration No. 48,666

Date: April 14, 2003

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439